

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 54-57 are pending in this application. Claims 1-53 were previously canceled without prejudice. Claims 48-50, 52, 54, and 56 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,326,268 to Park et al. (hereinafter "Park") in view of U.S. patent 6,448,606 to Yu et al. (herein "Yu '606"). Claims 51, 53, and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Park and Yu '606 and further in view of U.S. patent 6,265,293 to Yu (herein "Yu '293"). Claim 55 was rejected under 35 U.S.C. 103(a) as unpatentable over Park and Yu '606 as applied to claim 54, and further in view of U.S. patent 6,265,293 to Hurley et al. (herein "Hurley").

Initially, applicants note that the outstanding rejections now rely on newly cited U.S. patent 6,448,606 to Yu '606. However, applicants note that at this time that reference has not been formally made of record. That is, Yu '606 has not been indicated on a form PTO-892. Applicants respectfully request that reference clearly be made of record by being listed on a form PTO-892.

Addressing now each of the above-noted prior art rejections, applicants respectfully submit claims 54-57 distinguish over the applied art.

With respect to the rejection of claim 54 as unpatentable over Park in view of Yu '606, claim 54 is believed to distinguish over that applied art.

Initially, applicants note claim 54 is amended by the present response to clarify features recited therein. Specifically, claim 54 now clarifies that "an entire extent" of the first concave portions are formed above the charge storage layer. That feature is fully supported by the original specification, for example in Figure 1 showing an entire extent of the concave portions formed on the upper end of the shallow trench isolation region 13 of the memory cell are located above the charge storing layer 11.

The Advisory Action of April 5, 2005, addresses the above-noted limitation and states:

the rejection under 35 USC 103 is maintained. Fig. 5B of Yu'606 shows that *most* of the upper portion of the concave region (320B) is above the charge storage layer (306B), therefore, this configuration is not precluded by the limitation of the instant invention "concave portions are formed above the charge storage layer". [Emphasis added].

Applicants first note that the currently written claim language is believed to further distinguish over the teaching in Yu '606 as the claims now recite that "an *entire extent of* the first concave portion are formed *above* the charge storage layer" (emphasis added). Clearly such a feature distinguishes over Yu '606 in which only part of the upper portion of the concave region 320B is above the charge storage layer 306B.

Thereby, independent claim 54, and the claims dependent therefrom, patentably distinguish over Park in view of Yu '606.

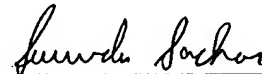
Moreover, no teachings in Yu '293 or Hurley can overcome the above-noted deficiencies of Park in view of Yu '606.

In view of these foregoing comments, applicants respectfully submit claims 54-57 distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870  
Surinder Sachar  
Registration No. 34,423

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

3/15/05 SNS\21's\218447\218447US-AM.DOC